

Further, Applicant respectfully requests that the Examiner consider amended claim 36. The originally submitted claim 36 was made dependent on claims 1-6, 9-11 and 22-23. These dependencies were partially incorrect. The claim should in fact be dependent on claims 1, 2, 9-11, and 21-23.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made**".

Rejection of Claim 1 Under 35 U.S.C. 102(b)

Applicant acknowledges and appreciates that the Examiner withdrew all rejections except rejection of claim 1 under 35 U.S.C. 102(b) in her Office Action of June 27, 2001. Claims 2-8 were objected to because they were dependent on rejected claim 1. The proposed amendment of claim 1 should now place claim 1 as well as the latter claims in condition for allowance.

Notwithstanding the proposed amendment of claim 1 discussed above, Applicant would like to maintain its position detailed in its communication of April 12, 2001, that rejection of claim 1 under 35 U.S.C. 102(b) was improper because the argument on which the rejection was based runs counter to what is known in the technical art.

With the above-proposed amendments, Applicant believes that the application is now in condition for allowance. If the Examiner believes that a telephone conversation will aid her review, the Examiner is kindly invited to call Applicant (who is his own attorney) at (305) 243-5815. Email: rvoellmy@molbio.med.miami.edu.

Respectfully Submitted,



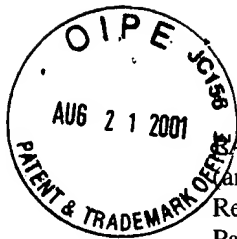
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

1. (Amended) A molecular circuit delivered into a cell, comprising (a) a first nucleic acid molecule that comprises a gene encoding a transcription factor and a first promoter activatable by stress and by the transcription factor, wherein the first promoter and the transcription factor gene are operably linked, and (b) a second nucleic acid molecule that comprises a gene of interest and a second promoter activatable by the transcription factor, wherein the second promoter and the gene of interest are operably linked.
36. (Amended) The molecular circuit of any of claims 1(-6), 2, 9-11, and (22) 21-23, wherein the activity of the transcription factor is regulated by a second stimulus other than stress.



PATENT
(amend)

Date_8/21/2001

Date of O.A. 06/27/2001

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Patent Application No. _09/304,121

Exr. U.Winkler Atty R.Voellmy Art Unit 1648

Atty Dkt. #:_____ Applicant: __R.Voellmy__

Title:Molecular Regulatory Circuits to Achieve Sustained Activation of Genes of Interest by a Single Stress

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☒ Amendment in 4 pages

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